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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,177	01/12/2001	Franz Amtmann	AT 000001	9986
24737	7590	08/10/2005		
			EXAMINER	
			FAN, CHIEH M	
			ART UNIT	PAPER NUMBER
			2638	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/759,177	AMTMANN, FRANZ	
	Examiner	Art Unit	
	Chieh M. Fan	2638	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 July 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 February 2005 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

This Office Action is in response to the Request for Continued Examination (RCE) filed 7/7/05, which enters the amendment filed 2/22/05.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Trontelj (U.S. Patent No. 6,208,235, cited in previous Office Action).

Regarding claim 1, Trontelj teaches a data carrier (12 in Fig. 1, claim 1) configured to communicate with a communication station (10 in Fig. 1) with the aid of a carrier signal having a given carrier signal frequency and which includes a receiving-means configuration for receiving the carrier signal, which receiving-means configuration has the following elements, namely a first switching means (34 in Fig. 1), which is switchable between a conductive switching state and a nonconductive switching state, and

a first transmission coil (Lc in Fig. 1) that can be short-circuited with the aid of the first switching means, through which first transmission coil a coil current flows during a communication process with a communication station, during which process the switching means is in its conductive switching state, which coil current has a phase lag with respect to the voltage across the first transmission coil (col. 7, line 45), and

a capacitor configuration (24/28 in Fig. 1) arranged in parallel with at least one second transmission coil (Lr in Fig. 1), the presence of said capacitor configuration causing a coil current through the second transmission coil during a communication process with a communication station, during which process the first switching means is in its conductive switching state, which coil current has a phase lead with respect to the voltage across the second transmission coil (col. 7, line 37),

characterized in that the receiving means configuration is configured to be controllable as regards the value of at least one of its elements comprising the at least one second transmission coil and the capacitor configuration through a second switching configuration (MOD in Fig. 1, col. 5, lines 29-39, note that the switch is not shown in the drawings, the output of MOD is used to control the switch to connect the capacitor 28 on or off the ground, GND in Fig. 1).

Regarding claim 2, the data carrier of Trontelj is also characterized in that of the at least one second transmission coil (Lr in Fig. 1) and the capacitor configuration (24/28 in Fig. 1) only the capacitor configuration (24/28 in Fig. 1) is configured to be controllable as regards its capacitance value (col. 5, lines 32-37, especially line 35).

Regarding claim 3, the data carrier is also characterized in that the capacitor configuration (24/28 in Fig. 1) is configured to be controllable only as regards its capacitance value (col. 5, lines 32-37, especially line 35).

Regarding claim 4, the data carrier is also characterized in that the capacitor configuration (24/28 in Fig. 1) includes a capacitor (24 in Fig. 1) and at least one series arrangement of a further capacitor (28 in Fig. 1) and the second switching means (MOD in Fig. 1) arranged in parallel with the capacitor (24 in Fig. 1), and the second switching means (MOD in Fig. 1) is switchable between a conductive switching state and a non-conductive switching state (col. 5, lines 32-37, that is, the second switching means switches the capacitor 28 to connect or disconnect to the ground, GND in Fig. 1).

Regarding claim 5, Trontelj teaches that the capacitor configuration (24/28 in Fig. 1) is only arranged in parallel with the at least one second transmission coil (Lr in Fig. 1) and is consequently disposed in series with the first transmission coil (Lc in Fig. 1).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement and/or the written description requirement.. The claim(s) contains subject matter which was not described in the specification in such a way as to

enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 (lines 17-19) requires that the value of at least one of the elements comprising the at least one second transmission coil and the capacitor configuration is controllable through a second switching configuration. This limitation covers three situations: (1) the value of the capacitor configuration is controllable through the second switching means, (2) the value of the second transmission coil is controllable through the second switching means, and (3) the values of the capacitor configuration and the second transmission coil are controllable through the second switching means. The applicant is invited to explain how the second switching means S1 would enable situations (2) and (3). Further, claim 1 requires "at least one second transmission coil" (line 11 or 18), which means there could be more than one second transmission coil. The applicant is also invited to explain how the specification would support more than one second transmission coil.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chieh M. Fan whose telephone number is (571) 272-

3042. The examiner can normally be reached on Monday-Friday 8:00AM-5:30PM,
Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chieh M Fan
Chieh M Fan
Primary Examiner
Art Unit 2638

August 8, 2005